

member is in active form and the fusion protein is produced at levels of at least about 0.1 mg/ml in the milk of the mammal and wherein the fusion protein includes carboxypeptidase B enzyme.

**IN THE SPECIFICATION:**

Please insert the following new text before the line beginning at page 1, line 19, reading "*Background of the Invention*":

***-- Cross Reference to Related Application***

This application is a division of co-pending U.S. patent application no. 09/398,610, filed on September 17, 1999. —

**REMARKS**

In response to an Office Action Restriction Requirement made in the parent case by the Examiner on March 8, 1999, original claims 1-17 were elected for prosecution by the Applicants. This divisional application respectfully requests consideration of original claim 9, which was not been substantively examined. This claim was not elected for further examination at that time by the Applicants. The pending claim is drawn to a method of creating a fusion protein including an active moiety. Claims 1-17 are cancelled herein, but have been allowed in the parent application. No new claims are added.

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. § 1.97 the Examiner's attention is directed to the documents listed on the enclosed Form PTO-1449. The cited references were called to Applicants' attention during the examination of the co-pending parent case Serial No. 09/398,610 filed 09/17/99 already in the possession of the PTO, and are therefore not provided in this divisional application. The Examiner is respectfully directed thereto for copies of the documents and a concise explanation of the relevance of the cited documents.

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been

considered. This Information Disclosure Statement is being filed in accordance with 37 C.F.R. § 1.97(b).

The Commissioner is authorized to charge any fee which may now or hereafter be due for this divisional application to GTC Biotherapeutics' Deposit Account No. 502092.

Applicants respectfully submit that the pending claim of this application is in condition for allowance and such action is thus respectfully requested. If the Examiner disagrees, or believes for any other reason that direct contact with Applicant's attorney would advance the prosecution of the case to finality, the Examiner is invited to telephone the undersigned at the number given below.

Early and favorable action is earnestly solicited.

Respectfully Submitted,

Date: 6/27/03

By: Byron V. Olsen  
Byron V. Olsen, Reg. No. 42,960  
**ATTORNEY FOR APPLICANTS**  
GTC Biotherapeutics, Inc.  
175 Crossing Blvd., Suite 410  
Framingham, MA 01702  
Tel. # (508) 370-5150  
Fax # (508) 370-3797

## Claim Appendix

36. A method of making a transgenic fusion protein which includes a first member and a second member, wherein the second member is an enzyme, the method comprising: providing a non-human transgenic mammal which includes a transgene which provides for the expression of a biologically active fusion protein in the milk of the mammal; and allowing the transgene to be expressed, thereby providing the fusion protein in the milk of the mammal wherein the second member is in active form and the fusion protein is produced at levels of at least about 0.1 mg/ml in the milk of the mammal and wherein the fusion protein includes carboxypeptidase B enzyme.